

State of Arizona  
Senate  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 203

**SENATE BILL 1265**

AN ACT

AMENDING SECTIONS 32-1601, 32-1604, 32-1605.01, 32-1609, 32-1631, 32-1632, 32-1634, 32-1634.01, 32-1635, 32-1636, 32-1637, 32-1638, 32-1639, 32-1640, 32-1641, 32-1643, 32-1644, 32-1663 AND 32-1664, ARIZONA REVISED STATUTES; AMENDING SECTION 32-1606, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1999, CHAPTER 229, SECTION 2; REPEALING SECTION 32-1606, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1999, CHAPTER 276, SECTION 1; AMENDING TITLE 32, CHAPTER 15, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1634.02, 32-1635.01, 32-1639.01 AND 32-1639.02; AMENDING TITLE 32, CHAPTER 15, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1663.01; RELATING TO THE STATE BOARD OF NURSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1601, Arizona Revised Statutes, is amended to  
3 read:

4 32-1601. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Absolute discharge from THE sentence" means completion of any  
7 sentence including imprisonment, probation, parole, community supervision or  
8 any form of court supervision.

9 2. "Approved nursing program" means a program for the educational  
10 preparation of professional and practical nurses for licensure ~~in this state~~  
11 ~~which THAT~~ has met standards of the board ~~or is accredited by a national~~  
12 ~~nursing accrediting agency recognized by the board.~~

13 3. "Board" means the Arizona state board of nursing.

14 4. "Certified registered nurse" means a registered nurse who has been  
15 certified by a national nursing credentialing agency recognized by the board.

16 5. "CLINICAL NURSE SPECIALIST" MEANS A PROFESSIONAL NURSE WHO:

17 (a) IS CERTIFIED BY THE BOARD AS A CLINICAL NURSE SPECIALIST.

18 (b) HOLDS A GRADUATE DEGREE WITH A MAJOR IN NURSING.

19 (c) IS CERTIFIED IN A CLINICAL SPECIALTY OR, IF CERTIFICATION IS NOT  
20 AVAILABLE, PROVIDES PROOF OF COMPETENCE TO THE BOARD.

21 (d) HAS AN EXPANDED SCOPE OF PRACTICE IN A SPECIALTY THAT INCLUDES:

22 (i) ASSESSING CLIENTS, SYNTHESIZING AND ANALYZING DATA AND  
23 UNDERSTANDING AND APPLYING NURSING PRINCIPLES AT AN ADVANCED LEVEL.

24 (ii) MANAGING DIRECTLY AND INDIRECTLY A CLIENT'S PHYSICAL AND  
25 PSYCHOSOCIAL HEALTH.

26 (iii) ANALYZING MULTIPLE SOURCES OF DATA, IDENTIFYING ALTERNATIVE  
27 POSSIBILITIES AS TO THE NATURE OF A HEALTH CARE PROBLEM AND SELECTING  
28 APPROPRIATE NURSING INTERVENTIONS.

29 (iv) DEVELOPING, PLANNING AND GUIDING PROGRAMS OF CARE FOR POPULATIONS  
30 OF PATIENTS.

31 (v) MAKING INDEPENDENT NURSING DECISIONS TO SOLVE COMPLEX CLIENT CARE  
32 PROBLEMS.

33 (vi) USING RESEARCH SKILLS.

34 (vii) PRESCRIBING AND DISPENSING DURABLE MEDICAL EQUIPMENT.

35 (viii) FACILITATING PATIENT CARE BY COORDINATING CARE WITH NURSING AND  
36 OTHER DISCIPLINES AND CONSULTING WITH OR REFERRING CLIENTS TO OTHER HEALTH  
37 CARE PROVIDERS WHEN APPROPRIATE.

38 (ix) PERFORMING ADDITIONAL ACTS THAT REQUIRE EDUCATION AND TRAINING  
39 AS PRESCRIBED BY THE BOARD AND THAT ARE RECOGNIZED BY THE NURSING PROFESSION  
40 AS PROPER TO BE PERFORMED BY A CLINICAL NURSE SPECIALIST.

41 6. "Conditional license" means a license that specifies the  
42 conditions under which the licensee is allowed to practice.

43 7. "Delegation" means transferring to a competent individual the  
44 authority to perform a selected nursing task in a designated situation in

1 which the nurse making the delegation retains accountability for the  
2 delegation.

3 8. "LICENSEE" MEANS A PERSON WHO IS LICENSED PURSUANT TO THIS CHAPTER  
4 OR IN A PARTY STATE AS DEFINED IN SECTION 32-1668.

5 ~~7.~~ 9. "Limited license" means a license that restricts the scope or  
6 setting of a licensee's practice.

7 ~~8.~~ 10. "Nursing assistant" means a person WHO IS certified pursuant  
8 to this chapter to provide or assist in the delivery of nursing or  
9 nursing-related services under the supervision and direction of a licensed  
10 nursing staff member in a location where a nursing assistant is required by  
11 law to be certified. Nursing assistant does not include a person who:

12 (a) Is a licensed health care professional.

13 (b) Volunteers to provide nursing assistant services without monetary  
14 compensation.

15 ~~9.~~ 11. "Practical nurse" means a person who practices practical  
16 nursing as defined in this section.

17 ~~10. "Practical nursing" means the performance for compensation of~~  
18 ~~services that require knowledge, skills and abilities that are acquired by~~  
19 ~~completing an approved practical nursing program. The practice of practical~~  
20 ~~nursing consists of participating with registered nurses in the assessment,~~  
21 ~~planning, implementation and evaluation of nursing care by:~~

22 ~~(a) Providing for the emotional and physical comfort of patients.~~

23 ~~(b) Observing, recording and reporting the condition of patients.~~

24 ~~(c) Performing nursing procedures recognized by the board.~~

25 ~~(d) Assisting with the rehabilitation of patients according to the~~  
26 ~~patient's care plan.~~

27 ~~(e) Assisting with maintenance of health.~~

28 ~~11. "Professional nursing" means the performance for compensation of~~  
29 ~~any act requiring substantial specialized knowledge, judgment and nursing~~  
30 ~~skill based upon the principles of the biological, physical and social~~  
31 ~~sciences in:~~

32 ~~(a) The maintenance of health or prevention of illness.~~

33 ~~(b) The nursing assessment, the evaluation of the patient and the~~  
34 ~~administration of care to the ill, injured or infirm.~~

35 ~~(c) The administration of medications and treatment as prescribed or~~  
36 ~~authorized by a person licensed to prescribe such medications and treatments~~  
37 ~~or as authorized pursuant to section 15-344.~~

38 ~~(d) The supervision and teaching of other personnel in the performance~~  
39 ~~of any of the foregoing.~~

40 ~~(e) The performance of additional acts that require education and~~  
41 ~~training as prescribed by the board, that are recognized by the nursing~~  
42 ~~profession as proper to be performed by a professional nurse and that are~~  
43 ~~authorized by the board of nursing in consultation with the allopathic board~~  
44 ~~of medical examiners and the board of osteopathic examiners in medicine and~~  
45 ~~surgery through the rules of the board of nursing.~~

1 12. "PRACTICAL NURSING" INCLUDES THE FOLLOWING ACTIVITIES THAT ARE  
2 PERFORMED UNDER THE SUPERVISION OF A PHYSICIAN OR A REGISTERED NURSE:

3 (a) CONTRIBUTING TO THE ASSESSMENT OF THE HEALTH STATUS OF INDIVIDUALS  
4 AND GROUPS.

5 (b) PARTICIPATING IN THE DEVELOPMENT AND MODIFICATION OF THE STRATEGY  
6 OF CARE.

7 (c) IMPLEMENTING ASPECTS OF THE STRATEGY OF CARE WITHIN THE NURSE'S  
8 SCOPE OF PRACTICE.

9 (d) MAINTAINING SAFE AND EFFECTIVE NURSING CARE THAT IS RENDERED  
10 DIRECTLY OR INDIRECTLY.

11 (e) PARTICIPATING IN THE EVALUATION OF RESPONSES TO INTERVENTIONS.

12 (f) DELEGATING NURSING ACTIVITIES WITHIN THE SCOPE OF PRACTICE OF A  
13 PRACTICAL NURSE.

14 (g) PERFORMING ADDITIONAL ACTS THAT REQUIRE EDUCATION AND TRAINING AS  
15 PRESCRIBED BY THE BOARD AND THAT ARE RECOGNIZED BY THE NURSING PROFESSION AS  
16 PROPER TO BE PERFORMED BY A PRACTICAL NURSE.

17 13. "PROFESSIONAL NURSING" INCLUDES THE FOLLOWING:

18 (a) DIAGNOSING AND TREATING HUMAN RESPONSES TO ACTUAL OR POTENTIAL  
19 HEALTH PROBLEMS.

20 (b) ASSISTING INDIVIDUALS AND GROUPS TO MAINTAIN OR ATTAIN OPTIMAL  
21 HEALTH BY IMPLEMENTING A STRATEGY OF CARE TO ACCOMPLISH DEFINED GOALS AND  
22 EVALUATING RESPONSES TO CARE AND TREATMENT.

23 (c) ASSESSING THE HEALTH STATUS OF INDIVIDUALS AND GROUPS.

24 (d) ESTABLISHING A NURSING DIAGNOSIS.

25 (e) ESTABLISHING GOALS TO MEET IDENTIFIED HEALTH CARE NEEDS.

26 (f) PRESCRIBING NURSING INTERVENTIONS TO IMPLEMENT A STRATEGY OF CARE.

27 (g) DELEGATING NURSING INTERVENTIONS TO OTHERS WHO ARE QUALIFIED TO  
28 DO SO.

29 (h) PROVIDING FOR THE MAINTENANCE OF SAFE AND EFFECTIVE NURSING CARE  
30 THAT IS RENDERED DIRECTLY OR INDIRECTLY.

31 (i) EVALUATING RESPONSES TO INTERVENTIONS.

32 (j) TEACHING NURSING KNOWLEDGE AND SKILLS.

33 (k) MANAGING AND SUPERVISING THE PRACTICE OF NURSING.

34 (l) CONSULTING AND COORDINATING WITH OTHER HEALTH CARE PROFESSIONALS  
35 IN THE MANAGEMENT OF HEALTH CARE.

36 (m) PERFORMING ADDITIONAL ACTS THAT REQUIRE EDUCATION AND TRAINING AS  
37 PRESCRIBED BY THE BOARD AND THAT ARE RECOGNIZED BY THE NURSING PROFESSION AS  
38 PROPER TO BE PERFORMED BY A PROFESSIONAL NURSE.

39 ~~12.~~ 14. "Registered nurse", "graduate nurse" or "professional nurse"  
40 means a person who practices professional nursing as defined in this section.

41 ~~10.~~ 15. "Registered nurse practitioner" means a professional nurse  
42 who:

43 (a) Is certified by the board, ~~in those areas authorized by the board~~  
44 ~~through its rules for extended nursing practice and who~~

1 (b) Has completed a nurse practitioner education program approved or  
2 recognized by the board.

3 (c) IF APPLYING FOR CERTIFICATION AFTER JULY 1, 2004, HOLDS NATIONAL  
4 CERTIFICATION FROM A NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD OR  
5 PROVIDES PROOF OF COMPETENCE IF A CERTIFYING EXAMINATION IS NOT AVAILABLE.

6 (d) HAS AN EXPANDED SCOPE OF PRACTICE WITHIN A SPECIALTY AREA THAT  
7 INCLUDES:

8 (i) ASSESSING CLIENTS, SYNTHESIZING AND ANALYZING DATA AND  
9 UNDERSTANDING AND APPLYING PRINCIPLES OF HEALTH CARE AT AN ADVANCED LEVEL.

10 (ii) MANAGING THE PHYSICAL AND PSYCHOSOCIAL HEALTH STATUS OF CLIENTS.

11 (iii) ANALYZING MULTIPLE SOURCES OF DATA, IDENTIFYING ALTERNATIVE  
12 POSSIBILITIES AS TO THE NATURE OF A HEALTH CARE PROBLEM AND SELECTING,  
13 IMPLEMENTING AND EVALUATING APPROPRIATE TREATMENT.

14 (iv) MAKING INDEPENDENT DECISIONS IN SOLVING COMPLEX CLIENT CARE  
15 PROBLEMS.

16 (v) DIAGNOSING, PERFORMING DIAGNOSTIC AND THERAPEUTIC PROCEDURES,  
17 PRESCRIBING, ADMINISTERING AND DISPENSING THERAPEUTIC MEASURES, INCLUDING  
18 LEGEND DRUGS, MEDICAL DEVICES AND CONTROLLED SUBSTANCES WITHIN THE SCOPE OF  
19 REGISTERED NURSE PRACTITIONER PRACTICE ON MEETING THE REQUIREMENTS  
20 ESTABLISHED BY THE BOARD.

21 (vi) RECOGNIZING THE LIMITS OF THE NURSE'S KNOWLEDGE AND EXPERIENCE,  
22 PLANNING FOR SITUATIONS BEYOND THE NURSE'S KNOWLEDGE AND EXPERTISE AND  
23 CONSULTING WITH OR REFERRING CLIENTS TO OTHER HEALTH CARE PROVIDERS WHEN  
24 APPROPRIATE.

25 (vii) DELEGATING TO A MEDICAL ASSISTANT PURSUANT TO SECTION 32-1456.

26 (viii) PERFORMING ADDITIONAL ACTS THAT REQUIRE EDUCATION AND TRAINING  
27 AS PRESCRIBED BY THE BOARD AND THAT ARE RECOGNIZED BY THE NURSING PROFESSION  
28 AS PROPER TO BE PERFORMED BY A NURSE PRACTITIONER.

29 ~~14.~~ 16. "Unprofessional conduct" includes the following whether  
30 occurring in this state or elsewhere:

31 (a) Committing fraud or deceit in obtaining, attempting to obtain or  
32 renewing a license or a certificate issued pursuant to this chapter.

33 (b) Committing a felony, whether or not involving moral turpitude, or  
34 a misdemeanor involving moral turpitude. In either case, conviction by a  
35 court of competent jurisdiction or a plea of no contest is conclusive  
36 evidence of the commission.

37 (c) Aiding or abetting in a criminal abortion or attempting, agreeing  
38 or offering to procure or assist in a criminal abortion.

39 (d) Any conduct or practice that is or might be harmful or dangerous  
40 to the health of a patient or the public.

41 (e) Being mentally incompetent or physically unsafe to a degree that  
42 is or might be harmful or dangerous to the health of a patient or the public.

43 (f) Having a license, certificate, permit or registration to practice  
44 a health care profession denied, suspended, conditioned, limited or revoked  
45 in another jurisdiction and not reinstated by that jurisdiction.

1 (g) Wilfully or repeatedly violating a provision of this chapter or  
2 a rule adopted pursuant to this chapter.

3 (h) Committing an act that deceives, defrauds or harms the public.

4 (i) Failing to comply with a stipulated agreement, consent agreement  
5 or board order.

6 (j) Violating a rule that is adopted by the board pursuant to this  
7 chapter.

8 ~~(k) Failing to report an immunization to the department of health~~  
9 ~~services as prescribed in section 36-135.~~

10 (k) FAILING TO REPORT TO THE BOARD ANY EVIDENCE THAT A PROFESSIONAL  
11 OR PRACTICAL NURSE OR A NURSING ASSISTANT IS OR MAY BE:

12 (i) INCOMPETENT TO PRACTICE.

13 (ii) GUILTY OF UNPROFESSIONAL CONDUCT.

14 (iii) MENTALLY OR PHYSICALLY UNABLE TO SAFELY PRACTICE NURSING OR TO  
15 PERFORM NURSING RELATED DUTIES. A NURSE WHO IS PROVIDING THERAPEUTIC  
16 COUNSELING FOR A NURSE WHO IS IN A DRUG REHABILITATION PROGRAM IS REQUIRED  
17 TO REPORT THAT NURSE ONLY IF THE NURSE PROVIDING THERAPEUTIC COUNSELING HAS  
18 PERSONAL KNOWLEDGE THAT PATIENT SAFETY IS BEING JEOPARDIZED.

19 (l) FAILING TO SELF-REPORT A CONVICTION FOR A FELONY OR UNDESIGNATED  
20 OFFENSE WITHIN TEN DAYS AFTER THE CONVICTION.

21 Sec. 2. Section 32-1604, Arizona Revised Statutes, is amended to read:

22 32-1604. Compensation

23 Members of the board are eligible to receive compensation ~~in the amount~~  
24 ~~of one~~ NOT TO EXCEED TWO hundred dollars per day for each day spent in the  
25 discharge of their duties and all expenses necessarily and properly incurred  
26 in attending meetings.

27 Sec. 3. Section 32-1605.01, Arizona Revised Statutes, is amended to  
28 read:

29 32-1605.01. Executive director; compensation; powers; duties

30 A. The board shall appoint an executive director who is not a member  
31 of the board. The executive director is eligible to receive compensation set  
32 by the board within the range determined under section 38-611.

33 B. The executive director or the executive director's designee shall:

34 1. Perform the administrative duties of the board.

35 2. Employ personnel needed to carry out the functions of the board.

36 3. Issue temporary licenses AND TEMPORARY NURSE PRACTITIONER  
37 CERTIFICATES, TEMPORARY CLINICAL NURSE SPECIALIST CERTIFICATES and temporary  
38 nursing assistant certificates.

39 4. Issue SINGLE STATE AND MULTISTATE licenses PURSUANT TO THIS CHAPTER  
40 and nursing assistant certificates to applicants who are not under  
41 investigation and who meet the qualifications for licensure or nursing  
42 assistant certification prescribed in this chapter.

43 5. Perform other duties as directed by the board.

44 6. On behalf of the board, enter into stipulated agreements with a  
45 licensee for the confidential treatment, rehabilitation and monitoring of

1 chemical dependency. A licensee who materially fails to comply with a  
2 program requirement shall be reported to the board and terminated from the  
3 confidential program. Any records of a licensee who is terminated from a  
4 confidential program are no longer confidential or exempt from the public  
5 records law. Notwithstanding any law to the contrary, stipulated agreements  
6 are not public records if the following conditions are met:

7 (a) The licensee voluntarily agrees to participate in the confidential  
8 program prior to BEFORE the initiation of an investigation.

9 (b) The licensee complies with all treatment requirements or  
10 recommendations, including participation in alcoholics anonymous or an  
11 equivalent twelve step program and nurse support group.

12 (c) The licensee refrains from the practice of nursing until the  
13 return to nursing has been approved by the treatment program and the  
14 executive director or the executive director's designee.

15 (d) The licensee complies with all monitoring requirements of the  
16 stipulated agreement including random bodily fluid testing.

17 (e) The licensee's nursing employer is notified of the licensee's  
18 chemical dependency and participation in the confidential program and is  
19 provided a copy of the stipulated agreement.

20 C. The executive director may accept the voluntary surrender OR  
21 REVOCATION of a license or certificate to resolve a pending complaint that  
22 is subject to disciplinary action pursuant to section 32-1663. The voluntary  
23 surrender OR REVOCATION of a license or certificate is a disciplinary action,  
24 and the board shall report this action if required by federal law.

25 Sec. 4. Section 32-1606, Arizona Revised Statutes, as amended by Laws  
26 1999, chapter 229, section 2, is amended to read:

27 32-1606. Powers and duties of board

28 A. The board may:

29 1. Adopt and revise rules necessary to carry into effect the  
30 provisions of this chapter.

31 2. Publish advisory opinions regarding functions of professional and  
32 practical nurses.

33 3. Issue limited licenses if it determines that an applicant or  
34 licensee cannot function safely in a specific setting.

35 4. Refer criminal violations of this chapter to the appropriate law  
36 enforcement agency.

37 5. Establish a confidential program for the monitoring of licensees  
38 who are chemically dependent and who enroll in rehabilitation programs that  
39 meet the criteria established by the board. The board may take further  
40 action if the licensee refuses to enter into a stipulated agreement or fails  
41 to comply with its terms. In order to protect the public health and safety  
42 the confidentiality requirements of this paragraph do not apply if the  
43 licensee does not comply with the stipulated agreement.

44 6. Adopt rules for the qualification and certification of clinical  
45 nurse specialists.

1           7. Adopt rules for the certification of school nurses if the state  
2 board of education does not require school nurses to be certificated.

3           8. On the applicant's or licensee's request, establish a payment  
4 schedule with the applicant or licensee.

5           B. The board shall:

6           1. Establish standards for nursing programs and courses preparing  
7 persons for licensing under this chapter, recognize national nursing  
8 accrediting agencies and provide for surveys of schools it deems necessary.

9           2. Approve nursing and nursing assistant training programs that meet  
10 the requirements of this chapter and of the board.

11           3. Prepare and maintain a list of approved nursing programs for  
12 professional and practical nurses whose graduates are eligible for licensing  
13 under this chapter as graduate registered or professional nurses or as  
14 practical nurses if they satisfy the other requirements of this chapter.

15           4. Examine qualified professional and practical nurse applicants.

16           5. License and renew the licenses of qualified professional and  
17 practical nurse applicants who are not qualified to be licensed by the  
18 executive director.

19           6. Adopt a seal which the executive director shall keep.

20           7. Keep a record of all proceedings and make an annual report to the  
21 governor on a date the governor directs.

22           8. For proper cause, deny or rescind approval of a nursing or nursing  
23 assistant training program for failure to comply with this chapter or the  
24 rules of the board.

25           9. On its own motion or on receipt of a complaint against a person  
26 licensed or certified under this chapter, conduct investigations, hearings  
27 and proceedings concerning any violation of this chapter or the rules adopted  
28 by the board.

29           10. Determine and administer appropriate disciplinary action as  
30 provided by this section against all persons who are licensed or certified  
31 under this chapter and who are found guilty of violating this chapter or  
32 rules adopted by the board.

33           11. Perform functions necessary to carry out the requirements of the  
34 nursing assistant training and competency evaluation program as set forth in  
35 the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330),  
36 as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360;  
37 102 Stat. 683). These functions shall include:

38           (a) Testing and certification of nursing assistants.

39           (b) Maintaining a list of board approved training programs.

40           (c) Recertifying nursing assistants.

41           (d) Maintaining a registry of all certified nursing assistants.

42           (e) Assessing fees.

43           12. Adopt rules establishing those acts that may be performed by a  
44 registered nurse practitioner in collaboration with a licensed physician.



1 13. Adopt rules establishing educational requirements for the  
2 certification of school nurses.

3 14. Publish copies of board rules and distribute these copies on  
4 request.

5 15. Require each applicant for initial licensure to submit a full set  
6 of fingerprints to the board for the purpose of obtaining a state and federal  
7 criminal records check pursuant to section 41-1750 and Public Law  
8 92-544. The department of public safety may exchange this fingerprint data  
9 with the federal bureau of investigation.

10 16. Require each applicant for initial nursing assistant certification,  
11 subject to appropriations from the state general fund by the legislature to  
12 the Arizona state board of nursing for fingerprinting, to submit a full set  
13 of fingerprints to the board for the purpose of obtaining a state and federal  
14 criminal records check pursuant to section 41-1750 and Public Law  
15 92-544. The department of public safety may exchange this fingerprint data  
16 with the federal bureau of investigation.

17 17. Revoke a license of a person, REVOKE THE MULTISTATE LICENSURE  
18 PRIVILEGE OF A PERSON PURSUANT TO SECTION 32-1669 or not issue a license or  
19 renewal to an applicant who has one or more felony convictions and who has  
20 not received an absolute discharge from the sentences for all felony  
21 convictions five or more years prior to BEFORE the date of filing an  
22 application pursuant to this chapter. This paragraph does not apply to a  
23 person who has filed an application for licensure or renewal before August  
24 1, 1998 and who has disclosed to the board one or more felony convictions on  
25 the person's application.

26 18. ESTABLISH STANDARDS FOR APPROVING NURSE PRACTITIONER AND CLINICAL  
27 NURSE SPECIALIST PROGRAMS AND PROVIDE FOR SURVEYS OF NURSE PRACTITIONER AND  
28 CLINICAL NURSE SPECIALIST PROGRAMS AS IT DEEMS NECESSARY.

29 19. PROVIDE THE LICENSING AUTHORITIES OF HEALTH CARE INSTITUTIONS,  
30 FACILITIES AND HOMES ANY INFORMATION THE BOARD RECEIVES REGARDING PRACTICES  
31 THAT PLACE A PATIENT'S HEALTH AT RISK.

32 20. LIMIT THE MULTISTATE LICENSURE PRIVILEGE OF ANY PERSON WHO HOLDS  
33 OR APPLIES FOR A LICENSE IN THIS STATE PURSUANT TO SECTION 32-1668.

34 21. ADOPT RULES TO ESTABLISH COMPETENCY STANDARDS FOR OBTAINING AND  
35 MAINTAINING A LICENSE.

36 C. The board may take any of the following disciplinary actions  
37 against any person ~~licensed under this chapter~~ WHO HOLDS A LICENSE TO  
38 PRACTICE NURSING IN THIS STATE:

39 1. Revoke the license to practice.

40 2. Suspend the license to practice.

41 3. Enter a decree of censure which may require that restitution be  
42 made to an aggrieved party.

43 4. Issue an order fixing a period and terms of probation best adapted  
44 to protect the public health and safety and rehabilitate the licensed person.

1        5. Impose a civil penalty for each violation of this chapter, not to  
2 exceed one thousand dollars, either singly or in combination with any  
3 disciplinary action permitted under this subsection.

4        D. THE BOARD MAY LIMIT, REVOKE OR SUSPEND THE PRIVILEGE OF A NURSE TO  
5 PRACTICE IN THIS STATE GRANTED PURSUANT SECTION 32-1668.

6        ~~D.~~ E. Failure to comply with any final order of the board, including  
7 an order of censure or probation, is cause for suspension or revocation of  
8 a license or revocation of a certificate.

9        ~~E.~~ F. The president or a member of the board designated by the  
10 president may administer oaths in transacting the business of the board.

11        Sec. 5. Repeal

12        Section 32-1606, Arizona Revised Statutes, as amended by Laws 1999,  
13 chapter 276, section 1, is repealed.

14        Sec. 6. Section 32-1609, Arizona Revised Statutes, is amended to read:  
15 32-1609. Register of licenses and certificates; change of  
16 address

17        A. The executive director shall keep a register of licenses and  
18 certificates for each person authorized to practice pursuant to this chapter  
19 which contains WHO HOLDS AN ARIZONA NURSING LICENSE OR NURSING ASSISTANT  
20 CERTIFICATE THAT INCLUDES the following:

- 21        1. Each licensee's and certificate holder's current residence address.  
22        2. Licenses and certificates granted or revoked.

23        B. The register shall be open during office hours to public  
24 inspection.

25        ~~C. licensees and certificate holders~~ EACH PERSON WHO HOLDS AN ARIZONA  
26 NURSING LICENSE OR NURSING ASSISTANT CERTIFICATE shall notify the board in  
27 writing within thirty days of each change in their THE LICENSEE'S OR  
28 CERTIFICATE HOLDER'S residence addresses ADDRESS.

29        Sec. 7. Section 32-1631, Arizona Revised Statutes, is amended to read:  
30 32-1631. Acts and persons not affected by chapter

31        This chapter shall not be construed as prohibiting:

32        1. Auxiliary or supportive services by maids, porters, messengers, bus  
33 boys, nurses aides or attendants working under competent supervision in a  
34 licensed hospital, or gratuitous care by friends or members of the family of  
35 a sick or infirm person or incidental care of the sick by a domestic servant  
36 or person employed primarily as a housekeeper, as long as such THESE persons  
37 do not practice professional nursing or claim or purport to be licensed  
38 practical nurses.

39        2. Nursing assistance in cases of emergency.

40        3. Nursing BY DULY ENROLLED PRE-LICENSURE STUDENTS under competent  
41 supervision by ~~duly enrolled students~~ in approved schools of nursing  
42 PROGRAMS.

43        4. The practice of nursing in this state by any legally qualified  
44 nurse of another state whose engagement requires him THE NURSE to accompany  
45 and care for a patient temporarily residing in this state during one such

1 engagement not to exceed six months, if such person THE NURSE does not  
2 represent or hold himself out as CLAIM TO BE a nurse licensed to practice in  
3 this state.

4 5. Nursing by any legally qualified nurse of another state who is  
5 employed by the government of the United States or any bureau, division or  
6 agency thereof OF THE UNITED STATES GOVERNMENT in the discharge of his or her  
7 THAT PERSON'S official duties.

8 6. Caring for the sick in connection with the practice of religion or  
9 treatment by prayer.

10 Sec. 8. Section 32-1632, Arizona Revised Statutes, is amended to read:

11 32-1632. Qualifications of professional nurse; application for  
12 license

13 An applicant for a license to practice as a graduate, professional or  
14 registered nurse shall file with the board a verified written application  
15 accompanied by the prescribed fee and shall submit satisfactory proof that  
16 the applicant:

17 ~~1. Has completed an approved four-year course of high school study,~~  
18 ~~or the equivalent, as determined by the board with the advice of the state~~  
19 ~~board of education.~~

20 ~~2. 1. Has completed satisfactorily the basic professional curriculum~~  
21 ~~in an approved professional nursing program and holds a diploma or degree~~  
22 ~~from that program.~~

23 ~~3. 2. If convicted of one or more felonies, has received an absolute~~  
24 ~~discharge from the sentences for all felony convictions five or more years~~  
25 ~~prior to BEFORE the date of filing an application pursuant to this chapter.~~

26 Sec. 9. Section 32-1634, Arizona Revised Statutes, is amended to read:

27 32-1634. Licensing out-of-state professional nurses

28 A. The board may issue a license to practice professional nursing to  
29 an applicant who has been duly licensed or registered as a graduate,  
30 registered or professional nurse in another state or a territory of the  
31 United States ~~or in a foreign country~~, if in the opinion of the board the  
32 applicant meets the qualifications required of a professional nurse in this  
33 state pursuant to sections 32-1632 and 32-1633.

34 B. The board shall not issue a license to an applicant who has one or  
35 more felony convictions and who has not received an absolute discharge from  
36 the sentences for all felony convictions five or more years prior to BEFORE  
37 the date of filing the application.

38 Sec. 10. Section 32-1634.01, Arizona Revised Statutes, is amended to  
39 read:

40 32-1634.01. Qualifications of foreign graduate professional  
41 nurses; application for license; examination

42 A. An applicant for a license to practice as a professional nurse who  
43 is a graduate of a foreign nursing program, and who does not meet the  
44 requirements of section 32-1634 IS NOT LICENSED IN ANOTHER STATE OR TERRITORY

1 engagement not to exceed six months, if such person THE NURSE does not  
2 ~~represent or hold himself out as~~ CLAIM TO BE a nurse licensed to practice in  
3 this state.

4 5. Nursing by any legally qualified nurse of another state who is  
5 employed by the government of the United States or any bureau, division or  
6 agency thereof OF THE UNITED STATES GOVERNMENT in the discharge of his or her  
7 THAT PERSON'S official duties.

8 6. Caring for the sick in connection with the practice of religion or  
9 treatment by prayer.

10 Sec. 8. Section 32-1632, Arizona Revised Statutes, is amended to read:

11 32-1632. Qualifications of professional nurse; application for  
12 license

13 An applicant for a license to practice as a graduate, professional or  
14 registered nurse shall file with the board a verified written application  
15 accompanied by the prescribed fee and shall submit satisfactory proof that  
16 the applicant:

17 ~~1. Has completed an approved four-year course of high school study,~~  
18 ~~or the equivalent, as determined by the board with the advice of the state~~  
19 ~~board of education.~~

20 ~~2. 1. Has completed satisfactorily the basic professional curriculum~~  
21 ~~in an approved professional nursing program and holds a diploma or degree~~  
22 ~~from that program.~~

23 ~~3. 2. If convicted of one or more felonies, has received an absolute~~  
24 ~~discharge from the sentences for all felony convictions five or more years~~  
25 ~~prior to BEFORE the date of filing an application pursuant to this chapter.~~

26 Sec. 9. Section 32-1634, Arizona Revised Statutes, is amended to read:

27 32-1634. Licensing out-of-state professional nurses

28 A. The board may issue a license to practice professional nursing to  
29 an applicant who has been duly licensed or registered as a graduate,  
30 registered or professional nurse in another state or a territory of the  
31 United States ~~or in a foreign country~~, if in the opinion of the board the  
32 applicant meets the qualifications required of a professional nurse in this  
33 state pursuant to sections 32-1632 and 32-1633.

34 B. The board shall not issue a license to an applicant who has one or  
35 more felony convictions and who has not received an absolute discharge from  
36 the sentences for all felony convictions five or more years ~~prior to~~ BEFORE  
37 the date of filing the application.

38 Sec. 10. Section 32-1634.01, Arizona Revised Statutes, is amended to  
39 read:

40 32-1634.01. Qualifications of foreign graduate professional  
41 nurses; application for license; examination

42 A. An applicant for a license to practice as a professional nurse who  
43 is a graduate of a foreign nursing program, and who ~~does not meet the~~  
44 ~~requirements of section 32-1634~~ IS NOT LICENSED IN ANOTHER STATE OR TERRITORY

1 OF THE UNITED STATES AND WHO DOES NOT MEET THE REQUIREMENTS OF SECTION  
2 32-1633, SUBSECTION A, shall satisfy the following requirements:

3 ~~1. Submit satisfactory proof to the board at the time of application~~  
4 ~~of having received a passing score on the commission on graduates of foreign~~  
5 ~~nursing schools examination or the English language version of the Canadian~~  
6 ~~nurses association testing service examination.~~

7 1. SUBMIT A REPORT FROM AN AGENCY APPROVED BY THE BOARD THAT PROVIDES  
8 INFORMATION THAT THE APPLICANT'S NURSING PROGRAM IS EQUIVALENT TO AN APPROVED  
9 PROGRAM OR SUBMIT A PASSING SCORE ON THE ENGLISH LANGUAGE VERSION OF THE  
10 CANADIAN NURSES ASSOCIATION TESTING SERVICE EXAMINATION OR AN EQUIVALENT  
11 CANADIAN NURSE LICENSURE EXAMINATION AS DETERMINED BY THE BOARD.

12 2. SUBMIT A PASSING SCORE, AS DETERMINED BY THE BOARD, ON AN ENGLISH  
13 LANGUAGE PROFICIENCY EXAMINATION APPROVED BY THE BOARD FOR THOSE APPLICANTS  
14 WHOSE NURSING PROGRAM WAS IN A LANGUAGE OTHER THAN ENGLISH.

15 3. SUBMIT A REPORT FROM AN AGENCY RECOGNIZED BY THE BOARD VERIFYING  
16 THE STATUS OF ANY NURSING LICENSE HELD BY THE APPLICANT.

17 ~~2.~~ 4. Pass an examination as provided in section 32-1633,  
18 subsection A.

19 ~~3.~~ 5. Submit a verified statement that indicates whether the  
20 applicant has been convicted of a felony and, if convicted of one or more  
21 felonies, that indicates the date of absolute discharge from the sentences  
22 for all felony convictions.

23 B. If the applicant satisfies the requirements of subsection A of this  
24 section and meets the other requirements set forth in this chapter, except  
25 those requiring graduation from a board approved program, the board shall  
26 issue a license to practice as a professional nurse to the applicant.

27 C. If an applicant fails the examination prescribed in subsection A,  
28 paragraph ~~2~~ 4 of this section four times, the board may require the  
29 applicant to complete additional educational requirements established by the  
30 board in its rules before taking the examination again.

31 Sec. 11. Title 32, chapter 15, article 2, Arizona Revised Statutes,  
32 is amended by adding section 32-1634.02, to read:

33 32-1634.02. Qualifications of foreign graduate professional  
34 nurses; applicants for licensure; endorsement

35 A. AN APPLICANT FOR A LICENSE TO PRACTICE AS A PROFESSIONAL NURSE WHO  
36 IS A GRADUATE OF A FOREIGN NURSING PROGRAM AND WHO IS LICENSED IN ANOTHER  
37 STATE OR TERRITORY OF THE UNITED STATES OR, IF NOT LICENSED, HAS MET THE  
38 REQUIREMENTS PRESCRIBED IN SECTION 32-1633, SUBSECTION A, SHALL SATISFY THE  
39 FOLLOWING REQUIREMENTS:

40 1. SUBMIT A REPORT FROM AN AGENCY APPROVED BY THE BOARD THAT PROVIDES  
41 INFORMATION INDICATING THAT THE APPLICANT'S NURSING PROGRAM IS EQUIVALENT TO  
42 AN APPROVED PROFESSIONAL NURSING PROGRAM OR SUBMIT A PASSING SCORE ON THE  
43 ENGLISH LANGUAGE VERSION OF THE CANADIAN NURSES ASSOCIATION TESTING SERVICE  
44 EXAMINATION OR AN EQUIVALENT CANADIAN NURSE LICENSURE EXAMINATION AS  
45 DETERMINED BY THE BOARD.

1           2. SUBMIT A REPORT FROM AN AGENCY RECOGNIZED BY THE BOARD VERIFYING  
2 THE STATUS OF ANY NURSING LICENSE HELD BY THE APPLICANT.

3           3. PASS AN EXAMINATION AS PRESCRIBED IN SECTION 32-1633, SUBSECTION A.

4           4. SUBMIT A VERIFIED STATEMENT THAT INDICATES WHETHER THE APPLICANT  
5 HAS BEEN CONVICTED OF A FELONY AND, IF CONVICTED OF ONE OR MORE FELONIES,  
6 THAT INDICATES THE DATE OF ABSOLUTE DISCHARGE FROM THE SENTENCES FOR ALL  
7 FELONY CONVICTIONS.

8           B. IF THE APPLICANT SATISFIES THE REQUIREMENT OF SUBSECTION A OF THIS  
9 SECTION AND MEETS THE OTHER REQUIREMENTS PRESCRIBED IN THIS CHAPTER, EXCEPT  
10 THOSE REQUIRING GRADUATION FROM A BOARD APPROVED PROGRAM, THE BOARD SHALL  
11 ISSUE A LICENSE TO PRACTICE AS A PROFESSIONAL NURSE TO THE APPLICANT.

12          Sec. 12. Section 32-1635, Arizona Revised Statutes, is amended to  
13 read:

14          32-1635. Temporary license to practice professional nursing

15          A. The board may issue a temporary license to practice professional  
16 nursing to an applicant for a license who either:

17           1. Meets the qualifications for licensing specified in section  
18 32-1632.

19           2. Has had an expired or inactive license for at least five years, WHO  
20 enrolls in a reentry update program approved by the board and WHO meets the  
21 requirements of section 32-1632, paragraph 3- 2.

22          B. Temporary licenses expire on the date specified in the license and  
23 may be renewed at the discretion of the board.

24          Sec. 13. Title 32, chapter 15, article 2, Arizona Revised Statutes,  
25 is amended by adding section 32-1635.01, to read:

26          32-1635.01. Temporary nurse practitioner and clinical nurse  
27 specialist certifications

28          A. THE BOARD MAY ISSUE A TEMPORARY NURSE PRACTITIONER CERTIFICATE OR  
29 TEMPORARY CLINICAL NURSE SPECIALIST CERTIFICATE TO A PROFESSIONAL NURSE WHO  
30 HOLDS AN UNENCUMBERED TEMPORARY LICENSE AND WHO MEETS THE REQUIREMENTS FOR  
31 CERTIFICATION AS PRESCRIBED BY BOARD RULES.

32          B. A TEMPORARY CERTIFICATE EXPIRES ON THE DATE SPECIFIED IN THE  
33 CERTIFICATE AND MAY BE RENEWED AT THE BOARD'S DISCRETION.

34          Sec. 14. Section 32-1636, Arizona Revised Statutes, is amended to  
35 read:

36          32-1636. Use of title or abbreviation by professional nurse

37          Only a person who holds a valid and current license to practice  
38 professional nursing in this state OR IN A PARTY STATE PURSUANT TO SECTION  
39 32-1668 may use the title "NURSE", "registered nurse", "graduate nurse" or  
40 "professional nurse" and OR the abbreviation "R.N.".

1       Sec. 15. Section 32-1637, Arizona Revised Statutes, is amended to  
2 read:

3       32-1637. Qualifications of practical nurse; application for  
4               license

5       An applicant for a license to practice as and assume the title of a  
6 licensed practical nurse shall file with the board a verified written  
7 application accompanied by the prescribed fee and shall submit satisfactory  
8 proof that the applicant:

9       ~~1. Has satisfactorily completed at least four years of high school~~  
10 ~~study, or its equivalent as determined by the board, except that an applicant~~  
11 ~~who is licensed out-of-state as a practical nurse and has completed at least~~  
12 ~~two years of high school study or its equivalent may be licensed pursuant to~~  
13 ~~section 32-1639.~~

14       ~~2.~~ 1. Has satisfactorily completed the basic curriculum in an  
15 approved practical OR PROFESSIONAL nursing program and holds a diploma, or  
16 certificate OR DEGREE from that program.

17       ~~3.~~ 2. If convicted of one or more felonies, has received an absolute  
18 discharge from the sentences for all felony convictions five or more years  
19 prior to BEFORE the date of filing the application.

20       Sec. 16. Section 32-1638, Arizona Revised Statutes, is amended to  
21 read:

22       32-1638. Examination of practical nurses

23       A. An applicant shall pass an examination in subjects relating to the  
24 duties and services of a practical nurse taught in an approved practical  
25 nursing program as the board determines.

26       B. If an applicant successfully passes the examination and meets the  
27 other requirements set forth in this chapter, the board shall issue a license  
28 to practice as a licensed practical nurse to the applicant.

29       C. If an applicant fails the examination prescribed in subsection A  
30 of this section four times, the board may require the applicant to complete  
31 additional educational requirements established by the board in its rules  
32 before taking the examination again.

33       ~~D. The board may allow a person who meets the academic requirements~~  
34 ~~of section 32-1633 and the application requirements of section 32-1637 to~~  
35 ~~take an examination administered pursuant to this section in order to be~~  
36 ~~licensed as a practical nurse.~~

37       Sec. 17. Section 32-1639, Arizona Revised Statutes, is amended to  
38 read:

39       32-1639. Licensing out-of-state practical nurses

40       A. The board may issue a license to practice as a practical nurse to  
41 an applicant who has been duly licensed as a practical nurse, or licensed to  
42 perform similar services and duties under a different title, in another state  
43 or territory of the United States or in a foreign country, if in the opinion  
44 of the board the applicant meets qualifications required of a licensed  
45 practical nurse in this state.

1 B. The board shall not issue a license to practice practical nursing  
2 to an applicant who has one or more felony convictions and who has not  
3 received an absolute discharge from the sentences for all felony convictions  
4 five or more years prior to BEFORE the date of filing an application.

5 Sec. 18. Title 32, chapter 15, article 2, Arizona Revised Statutes,  
6 is amended by adding sections 32-1639.01 and 32-1639.02, to read:

7 32-1639.01. Qualifications of foreign graduate practical  
8 nurses; application for license; examination

9 AN APPLICANT FOR A LICENSE TO PRACTICE AS A PRACTICAL NURSE WHO IS A  
10 GRADUATE OF A FOREIGN NURSING PROGRAM AND WHO IS NOT LICENSED IN ANOTHER  
11 STATE OR TERRITORY OF THE UNITED STATES AND WHO DOES NOT MEET THE  
12 REQUIREMENTS OF SECTION 32-1638, SUBSECTION A, MUST SATISFY THE FOLLOWING  
13 REQUIREMENTS:

14 1. SUBMIT A REPORT FROM AN AGENCY APPROVED BY THE BOARD THAT PROVIDES  
15 INFORMATION THAT THE APPLICANT'S NURSING PROGRAM IS EQUIVALENT TO AN APPROVED  
16 PRACTICAL OR PROFESSIONAL NURSING PROGRAM OR SUBMIT A PASSING SCORE ON THE  
17 ENGLISH LANGUAGE VERSION OF THE CANADIAN NURSES ASSOCIATION TESTING SERVICE  
18 EXAMINATION OR AN EQUIVALENT CANADIAN NURSE LICENSURE EXAMINATION AS  
19 DETERMINED BY THE BOARD.

20 2. SUBMIT A PASSING SCORE, AS DETERMINED BY THE BOARD, ON AN ENGLISH  
21 LANGUAGE PROFICIENCY EXAMINATION APPROVED BY THE BOARD FOR THOSE APPLICANTS  
22 WHOSE NURSING PROGRAM WAS IN A LANGUAGE OTHER THAN ENGLISH.

23 3. SUBMIT A REPORT FROM AN AGENCY RECOGNIZED BY THE BOARD VERIFYING  
24 THE STATUS OF ANY NURSING LICENSE HELD BY THE APPLICANT.

25 4. PASS AN EXAMINATION AS PRESCRIBED IN SECTION 32-1638.

26 5. SUBMIT A VERIFIED STATEMENT THAT INDICATES IF THE APPLICANT HAS  
27 BEEN CONVICTED OF A FELONY AND, IF CONVICTED OF ONE OR MORE FELONIES, THAT  
28 INDICATES THE DATE OF ABSOLUTE DISCHARGE FROM THE SENTENCES FOR ALL FELONY  
29 CONVICTIONS.

30 32-1639.02. Qualifications of foreign graduate practical  
31 nurses; application for license; endorsement

32 AN APPLICANT FOR A LICENSE TO PRACTICE AS A PRACTICAL NURSE WHO IS A  
33 GRADUATE OF A FOREIGN NURSING PROGRAM AND WHO IS LICENSED IN ANOTHER STATE  
34 OR TERRITORY OF THE UNITED STATES SHALL SATISFY THE FOLLOWING REQUIREMENTS:

35 1. SUBMIT A REPORT FROM AN AGENCY APPROVED BY THE BOARD THAT PROVIDES  
36 INFORMATION THAT THE APPLICANT'S NURSING PROGRAM IS EQUIVALENT TO AN APPROVED  
37 PRACTICAL OR PROFESSIONAL NURSING PROGRAM OR SUBMIT A PASSING SCORE ON THE  
38 ENGLISH LANGUAGE VERSION OF THE CANADIAN NURSES ASSOCIATION TESTING SERVICE  
39 EXAMINATION OR AN EQUIVALENT CANADIAN NURSE LICENSURE EXAMINATION AS  
40 DETERMINED BY THE BOARD.

41 2. SUBMIT A REPORT FROM AN AGENCY RECOGNIZED BY THE BOARD VERIFYING  
42 THE STATUS OF ANY NURSING LICENSE HELD BY THE APPLICANT.

43 3. PASS AN EXAMINATION AS PRESCRIBED IN SECTION 32-1638.

44 4. SUBMIT A VERIFIED STATEMENT THAT INDICATES IF THE APPLICANT HAS  
45 BEEN CONVICTED OF A FELONY AND, IF CONVICTED OF ONE OR MORE FELONIES, THAT



1 INDICATES THE DATE OF ABSOLUTE DISCHARGE FROM THE SENTENCES FOR ALL FELONY  
2 CONVICTIONS.

3 Sec. 19. Section 32-1640, Arizona Revised Statutes, is amended to  
4 read:

5 32-1640. Temporary license to practice as a licensed practical  
6 nurse

7 A. The board may issue a temporary license to practice as a licensed  
8 practical nurse to an applicant for a license who either:

9 1. Meets the qualifications for licensing specified in section  
10 32-1637.

11 2. Has had an expired or inactive license for at least five years,  
12 enrolls in a reentry update program approved by the board and meets the  
13 requirements of section 32-1637, paragraph 3- 2.

14 B. Temporary licenses expire on the date specified in the license and  
15 may be renewed at the discretion of the board.

16 Sec. 20. Section 32-1641, Arizona Revised Statutes, is amended to  
17 read:

18 32-1641. Use of title by practical nurse

19 Only a person who holds a valid and current license to practice as a  
20 licensed practical nurse in this state OR IN A PARTY STATE AS DEFINED IN  
21 SECTION 32-1668 may use the title "NURSE", "licensed practical nurse",  
22 "PRACTICAL NURSE" and OR the abbreviation "L.P.N."

23 Sec. 21. Section 32-1643, Arizona Revised Statutes, is amended to  
24 read:

25 32-1643. Fees; penalties

26 A. The board by formal vote at its annual November meeting shall  
27 establish fees not to exceed the following amounts:

28 1. Initial application for certification for extended nursing practice  
29 in speciality SPECIALTY areas, one hundred fifty dollars.

30 2. Initial application for school nurse certification, seventy-five  
31 dollars.

32 3. Initial application for license as a professional nurse, one  
33 hundred fifty dollars.

34 4. Initial application for license as a licensed practical nurse, one  
35 hundred fifty dollars.

36 5. Application for reinstatement of a professional or practical  
37 nursing license, one hundred fifty dollars.

38 6. Application for renewal of a professional nurse or a practical  
39 nurse license before expiration, one hundred sixty dollars.

40 7. Application for renewal of license after expiration, one hundred  
41 sixty dollars, plus a late fee of fifty dollars for each month a license is  
42 lapsed, but not to exceed a total of two hundred dollars.

43 8. Application for renewal of a school nurse certificate, fifty  
44 dollars.

1           9. Application for temporary license or temporary nursing assistant  
2 certificate, fifty dollars.

3           10. Retaking the professional nurse or practical nurse examination, one  
4 hundred dollars.

5           11. Issuing a certification card to an applicant for nursing assistant  
6 certification, fifty dollars.

7           12. Issuing a certification card to a certified nursing assistant  
8 applicant for renewal, ~~twenty-five~~ FIFTY dollars.

9           13. Application for renewal of a nursing assistant certificate after  
10 its expiration, twenty-five dollars for each year it is expired, not to  
11 exceed a total of one hundred dollars.

12          14. Issuing a duplicate license or certificate, twenty-five dollars.

13          15. Copying a nursing program transcript, twenty-five dollars.

14          16. Verification to another state or country of licensure for  
15 endorsement, certification for advanced practice or nursing assistant  
16 certification, fifty dollars.

17          17. Providing verification to an applicant for licensure or for nursing  
18 assistant certification by endorsement, fifty dollars.

19          18. Application to prescribe and dispense medication and application  
20 to prescribe medication, one hundred fifty dollars.

21          19. Application for renewal of prescribing and dispensing medication  
22 privileges before expiration and application for renewal of prescribing  
23 medication privileges before expiration, twenty dollars.

24          20. Application for renewal of prescribing and dispensing medication  
25 privileges after expiration and application for renewal of prescribing  
26 medication privileges after expiration, thirty-five dollars.

27          21. Issuing an inactive license, fifty dollars.

28          22. Writing the national council licensing examination for the first  
29 time, one hundred fifty dollars.

30          23. Sale of publications prepared by the board, fifty dollars.

31          24. Providing notary services, two dollars, or as allowed under section  
32 41-316.

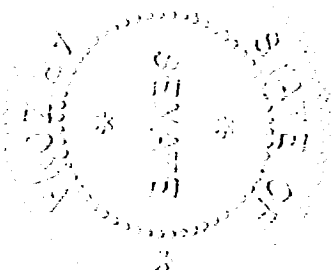
33          25. Copying records, documents, letters, minutes, applications and  
34 files, fifty cents a page.

35          26. Processing fingerprint cards, fifty dollars.

36          27. Registration for board seminars, one hundred dollars.

37          28. Failing to notify the board of a change of residence ADDRESS  
38 pursuant to sections SECTION 32-1609 and ~~32-1664~~, twenty-five dollars.

39          B. The board may collect from the drawer of a dishonored check, draft  
40 order, or note an amount allowed pursuant to section 44-6852.



1       Sec. 22. Section 32-1644, Arizona Revised Statutes, is amended to  
2 read:

3       32-1644. Approval of nursing schools and nursing programs;  
4               application; maintenance of standards

5       A. The board shall approve all new nursing PRELICENSURE NURSING, NURSE  
6 PRACTITIONER AND CLINICAL NURSE SPECIALIST programs pursuant to this section.  
7 An institution or school IN THIS STATE desiring to conduct an approved A  
8 professional, or practical, NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST  
9 nursing program shall apply to the board for approval and submit satisfactory  
10 proof that it is prepared to meet and maintain the minimum standards  
11 prescribed by this chapter and board rules.

12       B. The board or its authorized agent shall conduct a survey of the  
13 institution or program applying for approval and shall submit a written  
14 report of its findings to the board. If the board determines that the  
15 program meets the requirements prescribed in its rules, it shall approve the  
16 applicant as either a professional NURSING PROGRAM, or practical nursing  
17 program, NURSE PRACTITIONER PROGRAM OR CLINICAL NURSE SPECIALIST PROGRAM IN  
18 A SPECIALTY AREA.

19       C. A nursing program approved by the board may also be accredited by  
20 a national nursing accrediting agency recognized by the board. If a  
21 PRELICENSURE nursing program is accredited by a national nursing accrediting  
22 agency recognized by the board, the board does not have authority over it  
23 unless any of the following occurs:

24       1. The board receives a complaint about the program relating to  
25 patient safety.

26       2. The program falls below the standards prescribed by the board in  
27 its rules.

28       3. The program loses its accreditation by a national nursing  
29 accrediting agency recognized by the board.

30       4. The program allows its accreditation by a national nursing  
31 accrediting agency recognized by the board to lapse.

32       D. From time to time the board, through its authorized employees or  
33 representatives, may resurvey all approved nursing programs in the state and  
34 shall file written reports of these resurveys with the board. If the board  
35 determines that an approved nursing program is not maintaining the required  
36 standards, it shall immediately give written notice to the program specifying  
37 the defects. If the defects are not corrected within a reasonable time as  
38 determined by the board, ~~it shall remove the program from the list of~~  
39 ~~approved nursing programs until the program complies with board standards.~~  
40 THE BOARD MAY TAKE EITHER OF THE FOLLOWING ACTIONS:

41       1. APPROVE THE PROGRAM BUT RESTRICT THE PROGRAM'S ABILITY TO ADMIT NEW  
42 STUDENTS UNTIL THE PROGRAM COMPLIES WITH BOARD STANDARDS.

43       2. REMOVE THE PROGRAM FROM THE LIST OF APPROVED NURSING PROGRAMS UNTIL  
44 THE PROGRAM COMPLIES WITH BOARD STANDARDS.

1 E. All approved nursing programs shall maintain accurate and current  
2 records showing in full the theoretical and practical courses given to each  
3 student.

4 F. THE BOARD DOES NOT HAVE REGULATORY AUTHORITY OVER THE FOLLOWING  
5 APPROVED NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST PROGRAMS UNLESS THE  
6 CONDITIONS PRESCRIBED IN SUBSECTION C ARE MET:

7 1. A NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST PROGRAM THAT IS  
8 PART OF A GRADUATE PROGRAM IN NURSING ACCREDITED BY AN AGENCY RECOGNIZED BY  
9 THE BOARD IF THE PROGRAM WAS SURVEYED AS PART OF THE GRADUATE PROGRAM  
10 ACCREDITATION.

11 2. A NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST PROGRAM THAT IS  
12 ACCREDITED BY AN AGENCY RECOGNIZED BY THE BOARD.

13 Sec. 23. Section 32-1663, Arizona Revised Statutes, is amended to  
14 read:

15 32-1663. Disciplinary action

16 A. If an applicant for licensure or certification commits an act of  
17 unprofessional conduct, the board may deny the application. The board may  
18 issue a conditional license to an applicant for licensure who commits an act  
19 of unprofessional conduct.

20 B. The board in its order denying the license to an applicant shall  
21 terminate and revoke any temporary license issued to that applicant.

22 C. Any person aggrieved by an order of the board denying a license or  
23 certificate under the authority granted by subsection A of this section is  
24 entitled to an administrative hearing pursuant to title 41, chapter 6,  
25 article 10.

26 D. If the board finds after affording an opportunity to request an  
27 administrative hearing that a licensee PERSON WHO HOLDS AN ARIZONA NURSING  
28 LICENSE has committed an act of unprofessional conduct it may do any of the  
29 following:

30 1. Revoke or suspend the license.

31 2. Impose a civil penalty.

32 3. Censure the licensee.

33 4. Place the licensee on probation.

34 5. Accept the voluntary surrender of a license.

35 E. IF THE BOARD FINDS AFTER GIVING THE PERSON AN OPPORTUNITY TO  
36 REQUEST AN ADMINISTRATIVE HEARING THAT A NURSE WHO PRACTICES IN THIS STATE  
37 AND IS LICENSED BY ANOTHER JURISDICTION PURSUANT TO SECTION 32-1668 COMMITTED  
38 AN ACT OF UNPROFESSIONAL CONDUCT, THE BOARD MAY LIMIT, SUSPEND OR REVOKE THE  
39 PRIVILEGE OF THAT NURSE TO PRACTICE IN THIS STATE.

40 F. If the board finds after affording an opportunity to request  
41 an administrative hearing that a certificate holder has committed an act of  
42 unprofessional conduct it may do any of the following:

43 1. Revoke or suspend the certificate.

44 2. Impose a civil penalty.

45 3. Accept the voluntary surrender of a certificate.

1        F. G. If the board determines pursuant to an investigation that  
2 reasonable grounds exist to discipline a person pursuant to subsection D, E  
3 or ~~E~~ F of this section, the board may serve on the licensee or certificate  
4 holder a written notice that states:

5        1. That the board has sufficient evidence that, if not rebutted or  
6 explained, will justify the board in taking disciplinary actions allowed by  
7 this chapter.

8        2. The nature of the allegations asserted and that cites the specific  
9 statutes or rules violated.

10       3. That unless the licensee or certificate holder submits a written  
11 request for a hearing within thirty days after service of the notice by  
12 certified mail, the board may consider the allegations admitted and may take  
13 any disciplinary action allowed pursuant to this chapter without conducting  
14 a hearing.

15       ~~G.~~ H. If the state board of nursing acts to modify any registered  
16 nurse practitioner's prescription writing privileges, it shall immediately  
17 notify the state board of pharmacy of the modification.

18       Sec. 24. Title 32, chapter 15, article 3, Arizona Revised Statutes,  
19 is amended by adding section 32-1663.01, to read:

20       32-1663.01. Administrative violations; administrative penalty

21       A. THE BOARD MAY SANCTION ANY OF THE FOLLOWING AS AN ADMINISTRATIVE  
22 VIOLATION RATHER THAN AS UNPROFESSIONAL CONDUCT AND MAY IMPOSE AN  
23 ADMINISTRATIVE PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EITHER OF  
24 THE FOLLOWING:

25       1. FAILING TO TIMELY RENEW A NURSING LICENSE OR NURSE ASSISTANT  
26 CERTIFICATE WHILE CONTINUING TO PRACTICE NURSING OR ENGAGE IN ACTIVITIES OR  
27 DUTIES RELATED TO NURSING.

28       2. FAILING TO NOTIFY THE BOARD IN WRITING WITHIN THIRTY DAYS AFTER A  
29 CHANGE IN RESIDENCE ADDRESS.

30       B. A PERSON WHO FAILS TO PAY AN ADMINISTRATIVE PENALTY AS PRESCRIBED  
31 BY THIS SECTION OR TO ESTABLISH A SCHEDULE FOR PAYMENT AS PRESCRIBED PURSUANT  
32 TO SECTION 32-1606, SUBSECTION A, PARAGRAPH 8 WITHIN THIRTY DAYS AFTER  
33 NOTIFICATION COMMITS AN ACT OF UNPROFESSIONAL CONDUCT AND IS SUBJECT TO  
34 DISCIPLINARY ACTION.

35       C. THE BOARD SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,  
36 ALL MONIES COLLECTED UNDER THIS SECTION IN THE STATE GENERAL FUND.

37       Sec. 25. Section 32-1664, Arizona Revised Statutes, is amended to  
38 read:

39       32-1664. Investigation of complaint; hearing; notice

40       A. The board on its own motion may investigate any evidence that  
41 appears to show that a licensee or a certificate holder is or may be guilty  
42 of violating this chapter or rules adopted pursuant to this chapter.

43       B. A licensee, a certificate holder and a health care institution as  
44 defined in section 36-401 shall, and any other person may, report to the  
45 board any information the licensee, certificate holder, health care

1 institution or individual may have that appears to show that a licensee or  
2 certificate holder is, was or may be a threat to the public health or safety.

3 C. The board retains jurisdiction to proceed with an investigation or  
4 a disciplinary proceeding against a person whose license or certificate  
5 expired not more than five years before the board initiates the  
6 investigation.

7 D. Any licensee, certificate holder, health care institution or other  
8 person that reports or provides information to the board in good faith is not  
9 subject to civil liability. If requested the board shall not disclose the  
10 name of the reporter unless the information is essential to proceedings  
11 conducted pursuant to this section. ~~It is an act of unprofessional conduct~~  
12 ~~for a licensee to fail to report pursuant to this section, except that a~~  
13 ~~nurse who is providing therapeutic counseling for nurses who enter drug~~  
14 ~~rehabilitation programs is only required to report on the nurse in the drug~~  
15 ~~rehabilitation program if the nurse providing the counseling has personal~~  
16 ~~knowledge of patient safety being jeopardized. The board may report a health~~  
17 ~~care institution that fails to report pursuant to this section to the~~  
18 ~~institution's licensing agency.~~

19 E. On receipt by the board of a complaint charging a licensee or  
20 certificate holder with an act of unprofessional conduct, the board may  
21 conduct an investigation of the complaint. For purposes of the  
22 investigation, the board may employ investigators.

23 F. For reasonable cause the board may require a licensee or  
24 certificate holder to undergo any combination of mental, physical or  
25 psychological examinations or skills evaluations necessary to determine the  
26 person's competence and conduct. These examinations may include bodily fluid  
27 testing.

28 G. If after completing its investigation the board finds that the  
29 information provided pursuant to this section is not of sufficient  
30 seriousness to merit direct action against the licensee or certificate holder  
31 it may take either of the following actions:

32 1. Dismiss if in the opinion of the board the information is without  
33 merit.

34 2. File a letter of concern if in the opinion of the board there is  
35 insufficient evidence to support direct action against the licensee or  
36 certificate holder but sufficient evidence for the board to notify that  
37 person of its concern.

38 H. Except as provided pursuant to section 32-1663, subsection F- G and  
39 subsection I of this section, if the investigation in the opinion of the  
40 board reveals reasonable grounds to support the charge, the licensee or  
41 certificate holder is entitled to an administrative hearing pursuant to title  
42 41, chapter 6, article 10. If notice of the hearing is served by certified  
43 mail, service is complete on the date the notice is placed in the mail.

44 I. A licensee or certificate holder shall respond in writing to the  
45 board within thirty days after notice of the hearing is served as prescribed

1 in subsection H of this section. The board shall consider a person's failure  
2 to respond within this time as an admission by default to the allegations  
3 stated in the complaint. The board may then take disciplinary actions  
4 allowed by this chapter without conducting a hearing.

5 J. An administrative law judge or a panel of board members may conduct  
6 hearings pursuant to this section.

7 K. In any matters pending before it the board may issue subpoenas  
8 under its seal and compel the attendance of witnesses and the production of  
9 relevant and necessary papers, books, records, documentary evidence and  
10 materials including hospital records, medical staff records and medical staff  
11 review committee records. Any person failing to comply with a subpoena may,  
12 upon ON application by the board to any superior court judge, be ordered by  
13 the judge to comply with the subpoena and upon ON failure to comply shall be  
14 punished as in the case of disobedience of lawful process issued by the  
15 superior court. Subpoenas shall be served by regular or certified mail or  
16 in the manner required by the rules of civil procedure for the superior  
17 court.

18 L. Patient records, including clinical records, medical reports,  
19 laboratory statements and reports, any file, film, other report or oral  
20 statement relating to diagnostic findings or treatment of patients, any  
21 information from which a patient or a patient's family might be identified  
22 or information received and records kept by the board as a result of the  
23 investigation procedure outlined in this chapter are not available to the  
24 public and are not subject to discovery in civil or criminal proceedings.

25 M. Hospital records, medical staff records, medical staff review  
26 committee records, testimony concerning such THESE records and proceedings  
27 related to the creation of such THESE records shall not be available to the  
28 public. They shall be kept confidential by the board and shall be subject  
29 to the same provisions concerning discovery and use in legal actions as are  
30 the original records in the possession and control of hospitals, their  
31 medical staffs and their medical staff review committees. The board shall  
32 use such THESE records and testimony during the course of investigations and  
33 proceedings pursuant to this chapter.

34 N. If the licensee or certificate holder is found to have committed  
35 an act of unprofessional conduct, the board may revoke or suspend the license  
36 or the certificate.

37 O. The board may subsequently issue a denied license or certificate  
38 and may reissue a revoked or suspended license or a revoked certificate.

39 P. If a complaint is filed with the board against an approved nursing  
40 program or an approved nursing assistant training program, the nursing  
41 program is entitled to an administrative hearing pursuant to the requirements  
42 of section 32-1663, subsection F- G and subsection H of this section.

1        Sec. 26. Requirements for enactment; two-thirds vote

2        Pursuant to article IX, section 22, Constitution of Arizona, this act  
3 is effective only on the affirmative vote of at least two-thirds of the  
4 members of each house of the legislature and is effective immediately on the  
5 signature of the governor or, if the governor vetoes this act, on the  
6 subsequent affirmative vote of at least three-fourths of the members of each  
7 house of the legislature.

APPROVED BY THE GOVERNOR MAY 9, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2002.




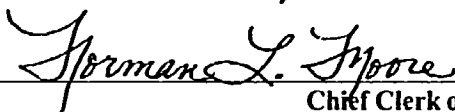


Passed the House May 2, 2002,

by the following vote: 44 Ayes,

14 Nays, 2 Not Voting  
*Article IX, Section 22*

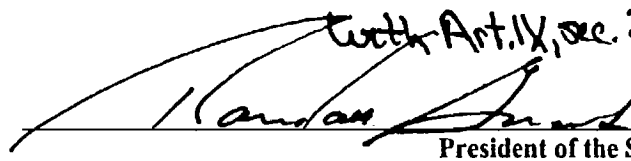
  
Speaker of the House

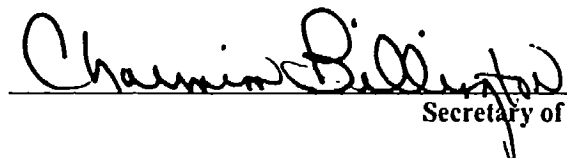
  
Chief Clerk of the House

Passed the Senate March 21, 2002,

by the following vote: 24 Ayes,

5 Nays, 1 Not Voting  
*with Art. IX, Sec. 22*

  
President of the Senate

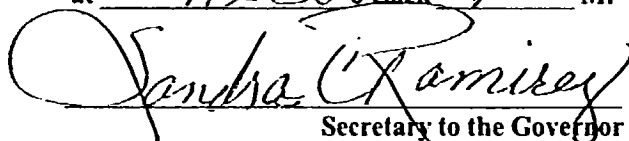
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2002,


at 12:30 o'clock P M.

  
Secretary to the Governor

Approved this 9 day of

May, 2002,

at 1:52 o'clock P M.

  
Governor of Arizona

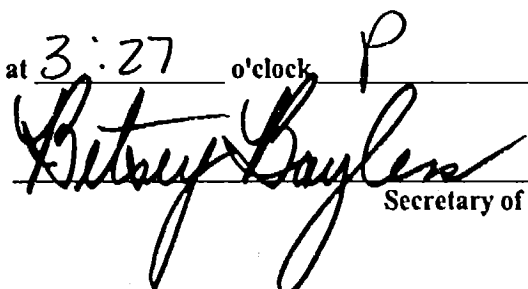
S.B. 1265

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 9 day of May, 2002,

at 3:27 o'clock P M.

  
Secretary of State